

IN THE HIGH COURT OF ORISSA AT CUTTACK

OJC No.9022 of 1992

Rebati Kumari Das

....

Petitioner(s)

Mr.S.K.Dash,Adv.

-versus-

State of Odisha & Ors.

....

Opposite Party(s)

Mr.S.P.Panda, Adv.

CORAM:

JUSTICE BISWANATH RATH

ORDER

14.11.2022

Order No.

9.

1. Heard learned counsel appearing for the parties.
2. Sole ground attacking the impugned order involves rejection of an application under Section 37(1) of the O.C.H. & P.F.L. Act , 1972 solely on the premises of stage of initiation of such proceeding being after Section 41 of the Act notification is already there. In course of hearing, learned counsel for the petitioner shown a judgment of this Court in the case *of Raj Kishore Subudhi Vs. State of Orissa & Ors.* reported in 2010 (II) ILR CIT 194 in establishing that proceeding under Section 37(1) of the O.C.H. & P.F.L. Act still entertainable even after there is bringing in notification under Section 41 of the Act. There is no dispute on the application of the judgment to the case at hand.
3. In the circumstance, this Court interfering in the impugned order at Annexure-2, sets aside the same. As there is fresh requirement of adjudication of the proceeding under Section 37(1) of the O.C.H. & P.F.L. Act, 1972, matter is remitted back to the Commissioner, Consolidation, Orissa, Cuttack or the appropriate authority at this moment to hear the proceeding Section 37(1) of the O.C.H. & P.F.L. Act, 1972 afresh and adjudicating it in accordance with law. Petitioner is

directed to produce copy of the order to the adjudicating authority at least within 10 days hence.

(Biswanath Rath)
Judge

sks

